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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/122,484 07/24/98 LAYTER

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BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO IL 60610

WM41/0507

EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

2643

16

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/122,484

Applicant(s)

LATTER ET AL.

Examiner

Duc M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-66 and 68-93 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 57-66, 68-93 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 60-66, 68-73, 75-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatchell et al (5,905,774).

Consider claims 60, 64, 68. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); recording audible caller ID information transmitted from the calling

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communication station (col. 18, ln 59-61); means for transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106) without transmitting an additional request for audible caller ID information to the calling communication station (e.g., the only time the agent transmits an additional request for audible caller ID information to the calling communication station is when the CLID is not in the contact directory, col. 21, ln 9-17); and canceling the call in response to input from the called communication station (see figure 8d steps 116-119).

Consider claims 61-63. Tatchell further teaches the limitations of claims 61-63 in (col. 18, ln 64 to col. 19, ln. 11).

Consider claim 65. Tatchell further teaches the step of transmitting a request for the calling party to speak his or her name (see figure 8b).

Consider claim 66. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

Consider claims 69-73, 76, 91-93. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines

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50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); recording audible caller ID information transmitted from the calling communication station (col. 18, ln 59-61); means for transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106) without transmitting an additional request for audible caller ID information to the calling communication station (e.g., the only time the agent transmits an additional request for audible caller ID information to the calling communication station is when the CLID is not in the contact directory, col. 21, ln 9-17); and transferring the call to a voice mail system in response to input from the called party (col. 21, ln. 20-40).

Consider claim 75. Tatchell further teaches the steps of recording the audible caller identification information and transmitting the recorded audible caller identification information to the called telephone station (column 16 lines 20-35).

Consider claims 77, 84, 90. Tatchell teaches all the subject matter claimed, note see the rejection of claim 60, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47). The telephone switching database (19) or subscriber database (see figure 2b) reads on the SCP; the personal agent processor (11) reads on the service node.

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Consider claims 78-79, 85-86. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 80 and 87. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 81 and 88. Tatchell further teaches that the service node is operative to transmit audible messages to the calling communication station (column 21 lines 20-47).

Consider claims 82 and 89. Tatchell further teaches that the service node is operative to transmit audible messages to the called communication station (see figures 8a-d).

Consider claims 83 and 90. Tatchell further teaches that the service node is operative to receive and respond to input from the called communication station (column 21 lines 20-40).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (5,033,076) in view of Yaker (5,848,142).

Consider claims 57-59. Jones teaches a method for processing a call from a calling party (i.e., caller station 101) at a calling communication station to a called communication station (i.e., called station 111), the method comprising the steps of (a) determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., if the call is made from a caller who does not wish to have his number displayed to a called customer...; see the entire abstract); (b) transmitting a request for caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., the caller is given a special announcement; in response to this announcement if the caller keys a special privacy override code then the call is completed with the caller's number displayed; see the entire abstract); (c) transmitting the caller identification information to the called communication station (e.g., the caller is given a special announcement; in response to this announcement if the caller keys a special privacy override code then the call is completed with the caller's number displayed; see the entire abstract); and (d) canceling the call in response to input from the called communication station (this step is met due to the fact that called party can reject or deny the call).

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Jones does not teach the step of transmitting a request for audible caller identification information to the calling communication station.

Yaker teaches the step of transmitting audible caller identification information to the calling communication station (column 5 line 47 to column 6 line 18; especially column 6 lines 5-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Jones in order to provide caller ID information to handicap people such as blind people.

5. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Jones et al (5,033,076).

Consider claim 74. Tatchell does not teach transmitting message to indicate that the called communication does not accept calls from an unidentified calling party.

Jones teaches transmitting message to indicate that the called communication does not accept calls from an unidentified calling party (see the abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jones into the teachings of Tatchell, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

May 2, 2001



**DUC NGUYEN
PRIMARY EXAMINER**